

Serial No. **09/930,441**

Docket No. **HI-0042**

Amdt. dated January 31, 2006

Reply to Office Action of November 4, 2005

REMARKS

By the present response, Applicant has amended claims 1-6, 8-11, 16 and 18 to further clarify the invention. Claims 1-18 are pending in this application.

In the Office Action, claims 1, 7, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,904,610 (Bayrakeri et al.) in view of U.S. Patent No. 6,181,326 (Takahashi). Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of U.S. Patent No. 5,734,853 (Hendricks et al.), U.S. Patent No. 6,101,180 (Donahue et al.) and further in view of Takahashi. Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Hendricks et al, Donahue et al. and further in view of U.S. Patent No. 6,314,572 (LaRocca et al.) and Takahashi. Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of LaRocca et al. and Takahashi. Claims 6, 8-10 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of U.S. Patent No. 5,861,906 (Dunn et al.) and Takahashi. Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi and Hendricks et al. Claims 4, 14 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi and further in view of U.S. Patent No. 6,169,543 (Wehmeyer et al.). Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi, LaRocca et al. and Dunn et al. Claim 17 has been rejected under 35 U.S.C. § 103(a)

as being unpatentable over Bayrakeri et al. in view of Wehmeyer and further in view of U.S. Publication No. 2005/0028208 (Ellis et al.) and Takahashi.

35 U.S.C. § 103 Rejections

Claims 1, 7, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi. Applicant respectfully traverses these rejections.

Bayrakeri et al. discloses techniques to create, generate, and deliver a customized interactive program guide (custom-IPG). Selections indicative of a set of channels to be included in the custom-IPG are received. In response, one or more custom-IPG screens having included therein the set of selected channels are rendered at a head end. The custom-IPG screens can be formed as subsets of the regular IPG screens, or as new screens. The rendered custom-IPG screens are provided from the head end to a set top terminal upon receiving a viewer request for the custom-IPG.

Takahashi discloses a remote input unit such as OCR that send a batch of data of an input character string as a remote control signal. A set-top box (STB) receives the signal and decodes it to the data of the original character string. After the STB stores the data of the character string, it instructs a television set to display the data. STB accesses to a terminal corresponding to URL of the character string in the internet via a telephone line.

Regarding claims 1 and 11, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the

combination of each of these claims. For example, the Examiner asserts that Bayrakeri et al. discloses transmitting environmental information selected by the viewer to the server using an initial menu from the TV to the server, in col. 26, lines 30-36, col. 25, lines 16-23, Figure 3A, and col. 4, lines 50-56. However, these portions merely disclose that a custom interactive program guide can be created and updated by a viewer by sending a command to a head end, i.e., for the selection of a set of channels for inclusion or exclusion in the custom-IPG, the movement of a set of channels to a new location in the custom-IPG screen, etc. Bayrakeri et al. relates to generating and delivering an interactive program guide. This is not transmitting environmental information selected by the viewer to the server using an initial menu from the TV where the environmental information comprises information related to channel settings, broadcast reservations settings and screen color settings, as recited in the claims of the present application. Bayrakeri is merely related to an interactive program guide and does not disclose or suggest environmental information that includes channel settings, broadcast reservation settings and screen color settings. Moreover, Bayrakeri et al. discloses transferring customized interactive program guide between a set top box and a head end. A set top box is not a TV, as recited in the claims of the present application, but interfaces to a TV. Further, a head end is not a server, as recited in the claims of the present application. The Examiner asserts that the head end has a server as disclosed in Bayrakeri et al. at col. 4, lines 50-56. However, these portions do not disclose or suggest the head end 102 having a server, but merely disclose the various processing

units contained in the head end. Moreover, Takahashi does not disclose or suggest these limitations in the claims of the present application.

Regarding claims 7 and 12, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 7, 11 and 12 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 2 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Hendricks et al, Donahue et al. and Takahashi. Applicant respectfully traverses this rejection and submits that claim 2 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither Hendricks et al. nor Donahue et al. overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 2 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

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Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Hendricks et al., Donahue et al., LaRocca et al., and Takahashi. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither Hendricks et al., Donahue et al., nor LaRocca et al. overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 3 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of LaRocca et al. and Takahashi. Applicant submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 5 of the present application. Applicant respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 6, 8-10, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Dunn et al. and Takahashi. Applicant respectfully traverses these rejections.

Regarding claims 8, 10 and 18, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. For example, as noted previously, neither Bayrakeri et al. nor Takahashi, disclose or suggest receiving, or transmitting, or downloading environmental information where the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings. Further, Dunn et al. does not overcome the substantial defects noted regarding Bayrakeri et al. and Takahashi.

Regarding claims 6 and 9, Applicant submits that these claims are dependent on one of independent claims 1 and 8 and, therefore, are patentable at least for the same reasons noted regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 6, 8-10 and 18 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi and Hendricks et al. Applicant respectfully traverses this rejection and

submits that claim 13 is dependent on independent claim 11 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Hendricks et al. does not overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 13 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 4, 14 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi and further in view of Wehmeyer et al. Applicant respectfully traverses these rejections.

Regarding claim 16, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim. As noted previously, neither Bayrakeri et al. nor Takahashi disclose or suggest receiving, or transmitting, or downloading environmental information where the environmental information comprises information related to channel settings, broadcast reservation settings and screen color settings, as recited in the claims of the present application. Further, Wehmeyer et al. does not overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi.

Regarding claims 4 and 14, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4, 14 and 16 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Takahashi, LaRocca et al. and Dunn et al. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 11 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither LaRocca et al. nor Dunn et al. overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 15 of the present application. Applicant respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 17 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Wehmeyer et al., Ellis et al. and Takahashi. Applicant respectfully traverses this

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rejection and submits that this claim is dependent on independent claim 16 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither Wehmeyer nor Ellis et al. overcome the substantial defects noted previously regarding Bayrakeri et al. and Takahashi. Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 17 of the present application. Applicant respectfully request that this rejection be withdrawn and that this claim be allowed.

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CONCLUSION

In view of the foregoing Amendments and remarks, Applicant submits that claims 1-18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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